

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA
9

10 In re: the Application of Inna Kharlamova,
n/k/a Alisa Yunova Yasnaya, ,

11 Plaintiff/ Petitioner,

12 v.

13 Peter Roach,

14 Defendant/Respondent..
15

CASE NO. C 14-5344

ORDER GRANTING AWARD OF
ATTORNEY FEES AND COSTS

16
17 This matter comes before the Court on motion of the Petitioner for an award of attorney's
18 fees (Dkt. 43) and costs (Dkt. 45) pursuant to 42 U.S.C. § 1106(b)(3), which provides as follows:

19 Any court ordering the return of a child pursuant to an action brought under
20 Section 11603 of this title shall order the respondent to pay necessary expenses
21 incurred by or on behalf of the petitioner, including court costs, legal fees,
foster home or other care during the course of proceedings in the action, and
transportation costs related to the return of the child, unless the respondent
22 establishes that such order would be clearly inappropriate.
23
24

Counsel for the Petitioner submitted a detailed time sheet (Dkt. 43, pp. 3 – 14) in support of the motion for fees and a detailed summary of costs (Dkt. 45, p. 3). Counsel seeks fees in the sum of \$49,237 and costs and disbursements in the sum of \$3,607.

The Respondent filed his objection to both the request for attorney's fees and costs. Dkt. 48. The Respondent does not object to the hourly rate of Petitioner's counsel which is \$275/hour nor does he object to the rate of \$65/hour for paralegal services.

DISCUSSION RE: ATTORNEY'S FEES

Having reviewed the pleadings the Court concludes that the Petitioner is entitled to an award of fees and costs but at an amount less than claimed.

1. Preparation of Complaint for Federal Court: Respondent objects to what he believes to have been an excessive amount of time for the preparation of the Complaint filed in this matter. Based on the Court's review of the time sheets, it appears that Counsel for Petitioner expended 18.5 hours related to the preparation of the Complaint and his paralegal spent 9.4 hours. The Court agrees that this is excessive and, based on review of the Complaint and the attachments, concludes that an award 12 hours attorney time and 6 hours paralegal time is appropriate. Also, the Court is not allowing fees for the 4/22/14 paralegal charge of 1.9 hours as it relates to an e-filing that was not in federal court. This results in a deduction of 6.5 hours attorney time and 5.3 hours paralegal time.

2. Thurston County Superior Court: The Court agrees with counsel for Respondent that time expended in Thurston County Superior Court was not related to the return of the children by this Court. Therefore, time will not be allowed for the following entries: April 30, 2014 for 5.2 hours attorney time; May 12, 2014 for 0.6 hours attorney time and 0.3 hours paralegal time; and May 27, 2014 for 0.3 hours attorney time.

1 3. Mediation. Respondent objects to recovery of time spent in preparing for and
2 attending a mediation. However, Petitioner has provided case law in which Court's have found
3 recovery for mediation expenses to be appropriate and the undersigned agrees. *See Cuellar v.*
4 *Joyce*, 603 F.3d 1142 (9th Cir. 2010). There will be no reduction in fees or costs for mediation.

5 4. Motion for Temporary Order. The Respondent objects to fees related to the Motion
6 for Temporary Order on the grounds that this was not necessary or related to the return of the
7 children. At the time the Motion was presented to the Court, Judge Leighton was the judge on
8 the case. His one page order leads the undersigned to reach the conclusion that the Motion was
9 not necessary nor related to the return of the children. Based on the Court's review of the time
10 sheets, a total of 15.8 hours attorney time will not be allowed and a total of 6.2 hours paralegal
11 time will not be allowed.

12 5. Entry of Two Agreed/Stipulated Orders. Respondent objects to the hours expended
13 from June 23 through July 21, 2014 that relate to the entry of two agreed/stipulated orders to
14 expedite hearing of the case, which included the parties' consent to have the matter resolved
15 before the undersigned. Petitioner did file a 10 page motion seeking an expedited hearing (Dkt.
16 17) on June 26, 2014 and then subsequently filed a stipulation of the parties agreeing to an
17 expedited hearing. Dkt. 19, filed on July 7, 2014. The Court does not find that the time
18 expended with regard to the motion to be excessive. It does, however, find that 0.9 hours of
19 paralegal time on June 26, 2014 is excessive for the preparation and electronic filing of a one
20 page Notice of Motion. That time will be reduced by .6 hours.

21 6. Trial Preparation. Respondent also objects to the hours of time used by counsel for
22 the Petitioner to prepare for trial. However, the undersigned finds that there were a number of
23 complicating factors in this case that had to be addressed for trial and does not find that the time
24 expended is excessive.

1 DISCUSSION RE: COSTS

2 Petitioner seeks an award for costs and disbursements in the total of \$3,607.

3 The Court is not allowing recovery of \$10.45 for postage and copies to Thurston County
4 Courthouse as this does not relate to this action. The Court is also not allowing \$14.00 for
5 "Ink/Supplies/Paper" as this relates to normal overhead.

6 The Court is allowing recovery of the Mediation Fee for the same reason that it allowed
7 recovery of attorney and paralegal time spent on the mediation.

8 Petitioner also seeks reimbursement for the costs she incurred in traveling to Vancouver,
9 B.C. to pick up her children. Respondent objects and provides the Court with email
10 communication between the parties in which the Petitioner advised the Respondent that the
11 Petitioner would pay for the costs of transportation. Therefore the Court denies recover of costs
12 for travel in the sum of \$2,106.11.

13 ORDER

14 The Court has reduced attorney time by 28.4 hours and paralegal time by 12.4 hours.
15 This results in a deduction from requested fees (attorney and paralegal) of \$8,616. Total
16 attorney's fees awarded to Petitioner is therefore is \$40,621.00.

17 With regard to the Cost Bill, the total costs awarded to the Petitioner is \$1,476.44.

18 DATED this 12th day of January, 2014.

19
20 
21 Karen L. Strombom
22 United States Magistrate Judge
23
24